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DOCKET NO.: D0188.70126US00

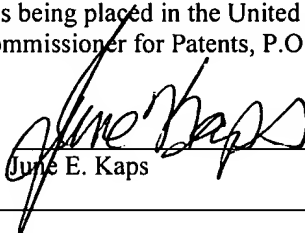
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roger Darois et al.
Serial No.: 09/900,707
Confirmation No.: 4890
Filed: July 6, 2001
For: PROSTHETIC REPAIR FABRIC

Examiner: B. Pellegrino
Art Unit: 3738

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 12 day of February, 2007.


June E. Kaps

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

A. This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and is being filed on or before payment of an Issue Fee.

The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that:

1. each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- The IDS processing fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention that additional documents have been recently cited in the opposition filed with the European Patent Office against European Patent No. 1 317 227. Enclosed are copies of the additional opposition documents which include:

- Further Submissions of Opponent dated January 17, 2007 (5 pages)
- D6 - WO 00/16822;
- D7 – B.G. Matapurkar et al., “A New Technique of “Marlex®-Peritoneal Sandwich” in Repair of Large Incisional Hernias”, World Journal of Surgery 15, 768-770, 1991; and
- D8 – M. L. Baptista, et al. “Abdominal Adhesions to Prosthetic Mesh Evaluated by Laparoscopy and Electron Microscopy”, Journal of the American College of Surgeons, March 2000.

Opposition documents U.S. Patent No. 5,593,441 (D9) and U.S. Patent No. 5,695,525 (D10) have been previously cited by Applicant.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Serial No.: 09/900,707
Conf. No.: 4890

- 4 -

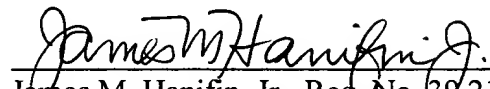
Art Unit: 3738

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:


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Docket No.: D0188.70126US00

Date: 2/12/07

INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICATION NO.: 09/900,707		ATTY. DOCKET NO.: D0188.70126US00	
		FILING DATE: July 6, 2001		CONFIRMATION NO.: 4890	
		APPLICANT: Roger Darois et al.			
		GROUP ART UNIT: 3738		EXAMINER: B. Pellegrino	
Sheet	1	of	1		

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		WO	00/16822		Orgill et al.	03/20/2000	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		B.G. Matapurkar et al., "A New Technique of "Marlex®-Peritoneal Sandwich" in Repair of Large Incisional Hernias", World Journal of Surgery 15, 768-770, 1991	
		M. L. Baptista, et al. "Abdominal Adhesions to Prosthetic Mesh Evaluated by Laparoscopy and Electron Microscopy", Journal of the American College of Surgeons, March 2000	

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]